

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33668 of 2018

Arising Out of PS.Case No. -36 Year- 2017 Thana -SIDHWALIA District- GOPALGANJ

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Dharmendra Mahato @ Darmandar Mahto, Son of Late Jagdeo Mahto,
Resident of village- Balara, Police Station- Sidhwalia, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Sri Indra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 13.10.2017 passed in Cr. Misc. No.
44590 of 2017.

Petitioner is languishing in judicial custody since
02.04.2017 in connection with Sessions Trial No. 552 of 2017
arising out of Sidhwalia P.S. Case No. 36 of 2017 for offences
punishable under Sections 302/201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her husband Kanchan Prasad (deceased) had gone to the
market and again left the house to bring the children who had gone



to watch a show. Thereafter children came back but the informant's husband did not return and the body of the informant's husband was found severely mutilated.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R., there was no eye witness to the alleged occurrence and it is only on the basis of information by the spy and the petitioner's own confessional statement before the police under coercion that he has been made accused. He submits that some of the co-accused has already been granted the privilege of bail by this Court in Cr. Misc. No. 15698 of 2018 vide order dated 25.04.2018 and other accused has also been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 45726 of 2017 vide order dated 17.10.2017 and Cr. Misc. No. 55609 of 2017 vide order dated 12.12.2017. He further submits that trial is going on at a very slow pace and petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Gopalganj in connection with Sessions Trial No. 552 of 2017 arising out of Sidhwalia P.S. Case No. 36 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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